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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,616	02/20/2004	Mark Sylvester	M004 100110	7221
33662 7590 11/18/2008 FELIX L. FISCHER, ATTORNEY AT LAW 1607 MISSION DRIVE SUITE 204 SOLVANG, CA 93463				
EXAMINER				
ORTIZ, BELIX M				
ART UNIT		PAPER NUMBER		
2164				
NOTIFICATION DATE		DELIVERY MODE		
11/18/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

felixfischer@fischeriplaw.com

Office Action Summary**Application No.**

10/783,616

Applicant(s)

SYLVESTER ET AL.

Examiner

BELIX M. ORTIZ

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In response to communications files on June 20, 2008. Claims 1-3, 12, 15-17, and 27 are amended by applicant's request. Therefore, claims 1-29 are presently pending in the application.

Claim Rejections - 35 USC § 112

2. Claims 1-29 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-3 and 15-17 recite "proportional value" which is subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filled, had possession of the claimed invention.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-29 are rejected under 35 U.S.C. 103(a) (Eff. Filing date of application: 2/20/2004) as being unpatentable over Speicher (U.S. Pat. 5,996,006) (Eff. Filing date of Provisional application: 2/12/1997) in view of McArdle et al. (U.S. Pub. 2002/0049847) (Eff. Filing date 4/24/2001) further in view of Poindexter et al. (U.S. pub. 2003/00934568) (Eff. filing date of application: 12/23/2002) (hereinafter Poindexter).

As to claims 1 and 15, Speicher teaches a collaborative interaction network system (see fig. 1) comprising:

means for entering login data for a user (see fig. 9, character 9002);

means for inputting basic user profile data elements (see abstract and col. 2, lines 32-36);

means for receiving user characteristics data including

means for text entry of user created data elements (see figure 6; col. 1, lines 20-25; and col. 1, lines 40-44);

means for calculating a universe of profile and characteristics data for all users based on similarity to the profile and characteristics data of a particular user (see abstract and col. 2, lines 29-36);

means for displaying a representation of the universe of data as single points in multidimensional relation to a point representing the data of the particular user, the displaying means scalable in range from the entire universe of data to data for users in a close neighborhood of the particular user's profile and characteristic data (see fig. 6, characters 1021 and 1027; and col. 8, lines 34-45); and,

means for expansion of a selected one of the single points for display of the profile and

characteristic data of the user associated with the selected one single point (see fig. 9, character 9017; col. 12, lines 36-38; and col. 16, lines 5-8).

Speicher does not teach means for selection of predetermined data elements.

McArdle et al. teaches dynamic interactive processes for unaided browsers (see abstract), in which he teaches means for selection of predetermined data elements (see fig. 3(o) and 3(p)).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Speicher by the teaching of McArdle et al., because means for selection of predetermined data elements, would enable the method to facilitate the user to make a selection of what application or element the user want or his/her profile.

Speicher as modified still does not teach selection of predetermined data element with assignment of proportional value.

Poindexter teaches a system for enterprise-wide work flow automation (see abstract) in which he teaches selection of predetermined data element with assignment of proportional value (see claim 9).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Speicher by the teaching of Poindexter, because selection of predetermined data elements with assignment of proportional value, would enable the method because, selecting a destination comprises randomly selecting a destination wherein the probability of selecting a destination is proportional to the weight of the destination relative to the weights of all destinations having a partition expression that evaluates to the predetermined value", (see claim 9).

As to claims 2 and 16, Speicher as modified teaches wherein the mean for selection of predetermined data elements with assignment of proportional value comprises a slider associated with a predetermined term, the slider adjustable through a range of applicability of the predetermined term to the user (see Speicher col. 7, lines 50-56).

As to claims 3 and 17, Speicher as modified teaches wherein the means for selection of predetermined data elements with assignment of proportional value comprises a sandbox for receiving a plurality of attributes selectable by the user (see McArdle et al., figures 3(o)-3(p)).

As to claim 4, Speicher as modified teaches wherein the sandbox further comprises a plurality of proportionality bins in which the selected attributes are placed based on relative applicability to the user (see McArdle et al., figures 3(o)-3(p)).

As to claims 5 and 20, Speicher as modified teaches wherein the expansion means further comprises:

means for displaying a specific comparison of the particular users profile and characteristic data and the profile and characteristic data of the user associated with the selected one single point (see Speicher col. 8, lines 34-39).

As to claims 6 and 21, Speicher as modified teaches wherein the expansion means further comprises:

means for initiating contact with the user associated with the selected one single point (see Speicher col. 1, lines 43-44; col. 2, lines 45-47 and col. 11, lines 18-21).

As to claims 7 and 22, Speicher as modified teaches wherein the expansion means further comprises:

means for storing the profile information of the user associated with the selected one single point in a database specific to the particular user (see Speicher col. 11, lines 27-28).

As to claims 8 and 23, Speicher as modified teaches wherein the single points on the displaying means further include secondary indicia of available data included for the user associated with the selected one single point (see Speicher col. 11, lines 17-18).

As to claims 9 and 24, Speicher as modified teaches wherein the secondary indicia comprises a variable icon representing the single points (see Speicher fig. 9).

As to claims 10 and 25, Speicher as modified teaches wherein the secondary indicia comprises a variable color applied to an icon representing a single point (see Speicher fig. 14).

As to claims 11 and 26, Speicher as modified teaches wherein the multidimensional relation is a radial location and distance, and the calculating means calculates a segment and distance for each point representing the data for a particular user (see Speicher col. 14, lines 41-

42).

As to claims 12 and 27, Speicher as modified teaches wherein the proportional selection means further includes a plurality of selectable categories of attributes, the attributes in each category further selectable by the user for placement in the sandbox with placement of the attribute geometrically in the sandbox providing two dimensional proportionality (see Speicher fig. 2) (see Poindexter fig. 8).

As to claims 13 and 28, Speicher as modified teaches wherein the means for receiving user characteristic data further includes means for accepting uploaded files (see Speicher col. 12, lines 36-46).

As to claims 14 and 29, Speicher as modified teaches a collaborative interaction network system further comprising means for searching the universe of profile and characteristics data based on a selected one of the user created data elements, profile data elements or predetermined data elements (see Speicher col. 11, lines 15-16).

As to claim 18, Speicher teaches as modified wherein the step of expanding further includes the step of displaying an introductory card with representative data of the user (see Speicher figure 9, character 9011; figures 11 and 14).

As to claim 19, Speicher as modified teaches wherein the step of providing a plurality of attributes selectable by the user for placement in a sandbox includes providing a plurality of proportionality bins in which the selected attributes are placed based on relative applicability to the user (see McArdle et al. Fig. 3(o) and 3(p)).

Response to Arguments

Applicant's arguments filed June 20, 2008 have been fully considered but they are not persuasive.

In response to applicant's amendment new reference was applied on the rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on monday-friday 9am-5pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/B. M. O./

Examiner of Art Unit 2164

November 10, 2008

/Charles Rones/

Supervisory Patent Examiner, Art Unit 2164